

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 4:15CR00545 CEJ
)	
KENYOTA DOKES,)	
)	
Defendant.)	

**RESPONSE TO DEFENDANT’S OBJECTIONS TO
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

COMES NOW the United States of America, by and through its attorneys, Richard Callahan, United States Attorney for the Eastern District of Missouri, Tracy L. Berry, Assistant United States Attorneys for said District, and requests that this Honorable Court affirm the report and recommendation filed by Magistrate Judge Nannette A. Baker for the reasons set forth in the government’s initial responses to defendant’s motions to dismiss and sever, and for the following reasons:

1. The indictment suffices in stating the elements of the crime of theft of government funds, and fully informs the defendant of the nature of those charges.
2. The five counts of theft of government funds are within the five year period of statute of limitations.
3. Defendant’s speculative claim of prejudice regarding a joint trial is insufficient to overcome the strong presumption in favor of a joint trial.

For the foregoing reasons and those set forth in the government’s response to defendant’s

motion to dismiss and motion to sever, the United States requests that this Honorable Court affirm the findings set forth in the Report and Recommendation filed by Magistrate Judge Baker.

Respectfully submitted,

RICHARD CALLAHAN
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s/ Tracy Lynn Berry
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CERTIFICATE OF SERVICE

Copy of the foregoing was sent through the court's electronic filing system this 18th day of April, 2016, to: J.C. Pleban, Esq.

s/ Tracy Lynn Berry
ASSISTANT UNITED STATES ATTORNEY